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December 28, 2009

The application is  granted.  denied.  
SO ORDERED.

/S/

Lois Bloom, U.S.M.J.

Dated: 12/29/09

Brooklyn, New York

**BY ECF**  
Honorable Lois Bloom  
United States Magistrate Judge  
Eastern District of New York  
United States Courthouse  
225 Cadman Plaza East  
Brooklyn, New York 11201

Re: Sergei Chepilko v. City of New York, et al., 06-CV-5491 (ARR)(LB)

Your Honor:

I am an Assistant Corporation Counsel in the Office of Michael A. Cardozo, Corporation Counsel of the City of New York, representing defendants in the above-referenced matter. I write in response to Your Honor's November 19, 2009 Order directing defendants to inform the Court by December 31, 2009, by letter, regarding the status of the criminal investigation.

Today, the undersigned spoke with an Assistant District Attorney with the Kings County District Attorney's Office to inquire into the status of the criminal investigation. The undersigned was informed that the Kings County District Attorney's Office continues to pursue all possible avenues and their investigation remains pending until all avenues are exhausted. The undersigned was advised that their Office will likely have additional information within thirty (30) to forty-five (45) days.

Accordingly, defendants' respectfully request that Your Honor continue to stay this matter as the underlying criminal investigation remains ongoing. Defendants also respectfully request that they be permitted to provide the Court with a status letter with respect to the investigation by February 12, 2010.

Thank you for your consideration herein.

Respectfully submitted,

/s/

Shawn D. Fabian  
Assistant Corporation Counsel  
Special Federal Litigation Division

cc: Mr. Sergei Chepilko (By First Class Mail)  
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